

REMARKS

Claims 20-66 remain pending in the above-referenced application and are submitted for the Examiner's reconsideration. Applicants note with appreciation the indication that claims 20-43 and 66 include allowable subject matter.

The Examiner objected to claims 20-66 for including the words "adapted to" in the phrase "a light conducting element adapted to be joined to the housing." In view of the amendments made to independent claims 20 and 44, withdrawal of this objection is respectfully requested.

Claims 44-48, 51-53, 61, 64, and 65 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 5,661,303 to Teder. Applicants respectfully note that in preparing this rejection, the Examiner did not address the limitation "at least one ambient light sensor that is sensitive to visible light." In fact, Teder teaches no such sensor, a fact that the Examiner, in page 8 of his Examiner's Answer of October 30, 2002, acknowledged to be true when he stated "Teder ('303) substantially teaches the claimed invention except that it does not show the at least one receiver includes at least one ambient light sensor." Moreover, not only does the device taught by Teder omit such a sensor, Teder teaches against permitting any ambient light from entering into the moisture sensor. Specifically, the moisture sensor of Teder includes light barricades 82, which "may be mounted on the circuit board to exclude ambient light from the detector 58." Column 8, lines 37-39. Because of the operation of these light barricades in the sensor of Teder, one of ordinary skill in the art would recognize the futility of incorporating an ambient light sensor in a sensor into which no ambient light is permitted to enter. Therefore, based on this discussion, Applicants respectfully request withdrawal of the rejection of claim 44.

As for claims 45-48, 51-53, 61, 64, and 65, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 44.

Claims 49 and 50 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teder in view of United States Patent No. 5,560,245 to Zettler et al. ("Zettler"). Since Zettler does not overcome the deficiency noted above with respect to Teder, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 44.

Claim 54 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Teder in view of United States Patent No. 6,191,531 Reime ("Reime"). Not only

does Reime fail to cure the deficiency noted above with respect to Teder, but Reime is not even prior art with respect to the claims of this application and should have never been used to reject claim 54. In particular, the international filing date of January 8, 1999, of the underlying PCT application serves as the filing date for this application. This filing date precedes the issue date of February 20, 2001, of Reime, and it also precedes the § 102(e) date of May 2, 2000, of Reime. What's more, the Examiner cannot even rely on the corresponding PCT publication of Reime because that publication has a publication date of May 14, 1999, which is again preceded by Applicants' January 8, 1999, filing date. Accordingly, for at least these reasons, withdrawal of the rejection of claim 54 is respectfully requested.

Claims 55 and 56 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teder in view of United States Patent No. 4,701,613 to Watanabe et al. ("Watanabe"). Since Watanabe does not overcome the deficiency noted above with respect to Teder, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 44.

Claim 57 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Teder in view of United States Patent No. 4,871,917 to O'Farrell et al. ("O'Farrell"). Claim 57 recites that "the at least one ambient light sensor includes an aperture angle of approximately 40° inclined upward with an aperture direction in a direction of travel." As stated above regarding the rejection of claim 44, Teder teaches against using ambient light sensors because Teder teaches light barricades 82 that exclude ambient light sensor from the interior of the sensor. Therefore, because Teder teaches away from using an ambient light sensor in a moisture sensor, one of ordinary skill in the art would have no motivation to apply the teachings of O'Farrell to Teder. Moreover, even if a motivation to combine these references did exist, the combination still would not teach the claimed invention because cell 166 of O'Farrell detects only ambient infrared light (column 10, lines 7-10), not ambient visible light as recited in claim 44 (and, hence, in claim 57 as well). Therefore, for at least these reasons, claim 57 is patentable over the combination of Teder and O'Farrell.

Claims 58 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teder in view of O'Farrell and United States Patent No. 5,225,669 to Hasch et al. ("Hasch"). As explained above, modifying the sensor of Teder to incorporate an ambient light sensor is improper because the use of light barricades 82 to block ambient light from the Teder moisture sensor is a teaching against the use of an

ambient light sensor. Therefore, one of ordinary skill in the art would have no motivation to apply the teachings regarding the ambient light sensor in Hasch to the sensor of Teder. Moreover, even if one of ordinary skill in the art would have been motivated to make such a combination, the combined teachings of these references still would not teach the claimed invention as a whole because none of these references teaches or suggests an ambient light sensor that is sensitive to visible light. Instead, O'Farrell teaches a sensor for detecting ambient infrared light, and Hasch teaches a sensor for detecting ambient ultraviolet light. Accordingly, for at least these reasons, withdrawal of the rejection of claims 58 and 59 is respectfully requested.

Claims 60, 62, and 63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Teder in view of Zettler. Since Zettler does not overcome the deficiency noted above with respect to Teder, Applicants submit that these claims are patentable for at least the same reasons given in support of the patentability of claim 44.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,
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